



CITY OF McALLEN

JAMES E. DARLING, Mayor
VERONICA WHITACRE, Mayor Pro Tem & Commissioner District 6
JAVIER VILLALOBOS, Commissioner District 1
JOAQUIN J. ZAMORA, Commissioner District 2
J. OMAR QUINTANILLA, Commissioner District 3
TANIA RAMIREZ, Commissioner District 4
VICTOR "SEBY" HADDAD, Commissioner District 5

ROEL "ROY" RODRIGUEZ, P.E., City Manager

August 14, 2019

41755-53445228@requests.muckrock.com

Mr. Alexander Cartwright / Ms. Jennifer Dirmeyer
MuckRock News
Dept. MR 41755-411A Highland Ave.
Somerville, MA 02144-2516

RE: Request for Information W028764-072419

Dear Mr. Cartwright/ Ms. Dirmeyer:


This letter responds to your request for information to the City of McAllen, dated and received in our office on 7/24/2019. Information Requested: *McAllen Police Department Texas Public Information Act Office 1601 North Bicentennial Boulevard McAllen, TX 78501 July 24, 2019 This is a follow up to a previous request: This request was originally submitted via email. It was never acknowledged. Due to issues with the original communication method, we are now directing this request to you. To Whom It May Concern: I wanted to follow up on the following request, copied below, which was initially sent to the email address "cdiaz@mcallen.net". Please let me know when I can expect to receive a response. Thanks for your help, and let me know if further clarification is needed. Filed via MuckRock.com --- On Aug. 10, 2017: Subject: Public Information Act Request: McAllen, TX PD Citizen Complaints To Whom It May Concern: Pursuant to the Texas Public Information Act, I hereby request the following records: We are Economics Professors in the College of Business at Ferris State University, and are engaged in an empirical research project on police behavior and citizen complaints. This project requires us to request data from your department. If you have questions about this request or suggestions, we would be happy to discuss them with you. 1. What is the total number of citizen complaints (allegations of misconduct) made against your department's officers annually for the last 10 years? If your department logs complaints in a database, spreadsheet, or other log, a copy of those logs is fine instead. Please include the type of complaint (i.e., use of force, abuse language, unwarranted search) and the result of complaint (i.e., sustained, exonerated). 2. What is the total number of complaints police officers made against their peer officers in department annually for the last 10 years? If your department logs complaints in a database, spreadsheet, or other log, a copy of those logs is fine instead. Please include the type of complaint (i.e., use of force, abuse language, unwarranted search) and the result of complaint (i.e., sustained, exonerated). 3. How many officer-involved-shootings were there per year for the last 10 years in your department? Any documentation or reports that detail the annual number of officer-involved shootings in your department for the past 10 years would be sufficient. Please include documentation regarding how many of these officer-involved shootings involved disciplinary action. (Please list officer firearm discharge directed at a person separately from a shooting involving an animal and separately from accidental firearm discharges). Please include the number of officer-involved shootings resulting in discipline. 4. Which of the above data are published publicly? Please provide a link to any and all publicly available reports containing the data above. Collecting this information is very important to our research, so we would like to emphasize, if you have questions about my request or suggestions, we would be happy to discuss them with you. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires. Sincerely, Alexander Cartwright and Jennifer Dirmeyer Filed via MuckRock.com E-mail (Preferred): 41755-53445228@requests.muckrock.com Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fmcallen-police-department-417%252Fmcallen-tx-pd-citizen-complaints-41755%252F%253Femail%253Ddsilva%252540mcallen.net&url_auth_token=AAAd3M1EZmpsZdMgeSBOeozmJpA%3A1hqLoS%3A94uPGGGpad09afqjwQEVPOfkUBk Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know. For mailed responses, please address (see note): MuckRock News DEPT MR 41755 411A Highland Ave Somerville, MA 02144-2516 PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.*

The City of McAllen has reviewed your request. There is no information responsive to your request. The Public Information Act requires government entities to make any record available that is not excepted from disclosure. However, an open records request only requires a governmental body to provide copies of documents that relate to the information sought by the requestor. The Public Information Act does not

require a governmental body to calculate statistics, to perform legal research, or to prepare answers to questions [Tex. Attorney Gen. ORD.555 at 1(1990), ORD-563 at 8 (1990)].

The City of McAllen strictly adheres to the provisions of the Texas Public Information Act, Texas Government Code Chapter 552 (Formerly Open Records Act), and the interpretative opinions of the Texas Attorney General and the courts. The information you have requested does not exist in record form. The Texas Public Information Act does not require the City to produce documents that are not in existence. You are welcome to submit another request. You may also contact our office with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evaristo Garcia, Jr.", with a long horizontal flourish extending to the right.

Evaristo Garcia, Jr.
Assistant City Attorney

EGJ/ds